

IN THE UNITED STATES DISTRICT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRIAN CARR et al.,

Plaintiffs,

v.

CHARLES E. SAMUELS, JR., DIRECTOR,
FEDERAL BUREAU OF PRISONS,

Defendant.

No. 2:14-cv-00001-WTL-MJD

DECLARATION OF SCOTT ABRAHIMS

I, Scott Abrahims, hereby declare and state as follows:

1. I am employed by the Federal Bureau of Prisons (BOP or Bureau) as the National Food Services Administrator located in the BOP's Central Office in Washington, D.C. I assumed responsibilities as National Food Services Administrator in January 2018.

2. As the National Food Services Administrator, I am responsible for overseeing the BOP Food Services program and ensuring that inmates are provided with meals that are nutritionally adequate, properly prepared and that meet the BOP specifications, including religious certification requirements. I am involved in the formulation of Bureau of Prisons' policy and provide guidance to Food Services Administrators at BOP facilities and regional offices regarding the implementation of the Bureau of Prisons' diet and food policy.

3. The statements made in this declaration are based on my personal knowledge and experiences as National Food Service Administrator for the Bureau of Prisons. I am an employee of the BOP, and am providing my opinions in my official capacity as the BOP's

National Food Service Administrator.

5. The statements made in this declaration are based on my personal knowledge, and my review of BOP records, including emails from Food Service staff to vendors regarding Halal meals and products. The BOP records were properly prepared as business records in the normal course of business and were prepared at or near the time of the events it records in order to document the events described therein. The emails to vendors were prepared in the course of BOP's conduct of market research into Halal meals, including Halal meals with meats, available in the market. The emails records are maintained in the Netmail System. These emails were sent to Halal vendors in order to ascertain, among other information, the specific kinds of Halal food items and Halal meals they place for sale in the market; the specific certification requirements these vendors abide by and the name of the certifying company; the amounts or weight of the food in each meal tray and detailed description of contents and specific ingredients contained in each meal so as to allow an in depth nutritional analysis of the meals; and the specific way in which these meals were packaged and wrapped to safeguard the integrity of the certification. These emails were prepared by staff members with personal knowledge on the BOP's efforts to find a viable Halal vendor for Muslim inmates. I also prepared and sent some of these follow up emails.

6. As the Court has been made aware, on December 6 and 7, 2017, the Bureau of Prisons posted at the Plaintiffs' four Institutions (FCI – Cumberland, FCC – Florence, FCI – Memphis, and USP – Atlanta) Requests for Quote for pre-packaged, halal-certified meals. Specifically, the RFQs were posted on the Federal Business Opportunities website for Certified Halal meals. The RFQs contained Halal certification requirements, which included the Plaintiffs' specific Halal certification requirements, and the BOP's Halal meal specifications.

The four Institutions received no quotes from any vendor in response to the RFQs. FCC Florence reposted the RFQ on December 21, 2017, and again received no responses.

7. Several food vendors had questions for the Bureau of Prisons in response to the RFQs. For example, one vendor asked whether they could “substitute ingredients and or side dishes” because “items, like beef and chicken gravy may be difficult to initially source for Halal Certification, . . .” (BOP044228.) This vendor also asked whether it was necessary to have all ingredients certified as halal because “[s]ome ingredients are Halal by nature” and “[i]tems like Halal mono and diglycerides can be reviewed for Halal suitability but may not carry formal Halal certification at this time.” (BOP044228.)

8. Through the summer 2018, the BOP made efforts to obtain five pre-packaged, halal-certified meals from this potential vendor [REDACTED] who it understood may be acceptable to the Plaintiffs. The vendor needed to secure USDA approval for the meals at issue, as well as certification from a halal certifying agency. (*See* BOP044229-30; BOP044233-044234; BOP044276-78.) The BOP had planned to obtain samples of the five meals, analyze them for food quality and palatability, and also for nutrition, then consider purchasing the meals.

9. On or about April 28, 2018, this vendor notified the BOP that it had four halal-certified meals ready; a Chicken Cacciatore meal, a Chicken patty meal, a meatloaf meal, and spaghetti and meatballs. (BOP044276-78.) It is my understanding, however, that the poultry meals being discussed were not certified as hand-slaughtered according to this vendor.

10. In late July 2018, the vendor stated that they would ship the sample meals to the BOP to be evaluated. On August 2, 2018, the vendor sent an email to me inquiring about a Request for Quote for halal meals posted by the United States Penitentiary – Terre Haute (discussed later herein) and whether the “animal had to be hand slaughtered or if it can be

machine slaughtered.” (BOP044281-044294; BOP044309-044310; BOP044313-044324). I responded that the slaughtering method was correct as written in the specification, meaning hand-slaughtered. (BOP044295-044296; BOP044311-044312). I then confirmed that, unfortunately, the sample meals shipped from the vendor to the BOP did not contain hand-slaughtered meat. Moreover, the meals varied in size and did not conform to BOP specifications. Finally, the meals were not stamped as being USDA-certified. Accordingly, the meals being discussed with this vendor throughout the summer 2018 do not meet the BOP’s specifications, nor do they meet the Plaintiffs’ asserted slaughtering requirements.

11. During this same time period, the BOP also communicated with a second potential vendor [REDACTED] of pre-packaged, halal-certified meals. It was unclear to the BOP whether this second vendor would satisfy the Plaintiffs’ certification requirements, however, the BOP wanted to obtain information about the product available from the second potential vendor. As of May 29, 2018, this vendor stated that they could provide ordering information in about two weeks. Unfortunately, the second vendor to date has never provided the BOP with specific information about its halal-certified meals such as whether the meals were USDA-certified, the cost of the meals, or the ingredients. Nor has this vendor responded to any of the RFQs for halal-certified meals. This potential vendor did provide information about the halal certifying agency (Islamic Institute of Minnesota). It is unclear from the certification whether the meat is hand-slaughtered using a horizontal cut as required by the Plaintiffs. (*See* BOP044273-75 (stating only that “the meat ingredient is from animals which are slaughtered according to Islamic tradition under the supervision of the Islamic Institute.”).)

12. In July 2018, I also reached out to the State of Wisconsin Department of Corrections, who provides a halal menu to its inmates. I obtained a copy of the menu, which

provides that the inmates are served two chicken patties and two hamburgers per week, and plant-based (“no flesh”) items are used in the remainder of the menu through the rest of the week. The meat patties offered to the Wisconsin inmates are provided by Indianhead Foodservice Distributors in Eau Claire, Wisconsin. (BOP044369.)

13. Based on the discussions with the State of Wisconsin, I have reached out to the first potential vendor [REDACTED] on or about August 15, 2018, to determine whether they could provide halal chicken and meat patties so that the BOP could create a similar halal menu to that being offered in the State of Wisconsin, using the BOP’s existing “No Flesh” diet, but providing halal-certified meat several times a week. The vendor has informed me that they are able to provide hand-slaughtered beef patties, but not hand-slaughtered chicken patties. The vendor cannot offer hand-slaughtered chicken due to the expense. Moreover, it is my understanding that the Plaintiffs in this case will only eat meals where every ingredient has been certified as halal, and that they do not deem the current No Flesh diet acceptable because they believe even the vegetable ingredients are “doubtful.”

14. On or about August 1, 2018, the United States Penitentiary (USP) – Terre Haute posted a Request for Purchase for pre-packaged, halal-certified meals meeting the BOP’s requirements and the Plaintiff’s requirements. (BOP044325-044363). No vendor responded to the RFQ.

15. Nevertheless, on or about August 22, 2018, the USP – Terre Haute purchased seven different types of pre-packaged, halal-certified meals (Pasta Garden with rotini pasta, peppers, mushrooms, zucchini, and tomatoes; vegetarian stew with macaroni, vegetables, potatoes, barley, lentil, peanuts or sunflowers kernels; Chicken Mediterranean; cheese tortellini with ricotta cheese and tomato sauce; Florentine Lasagna with ricotta cheese; Beef Stew with

potatoes, sweet peppers, tomatoes, cabbage, zucchini, chick peas and carrots; and Chicken with Beans, kidney beans, black beans, tomatoes, potatoes, sweet peppers and corn to be made available to one inmate at USP-Terre Haute requesting a halal certified diet. These meals were purchased from J&M Meals/My Own Meals located in Deerfield, Illinois. It is my understanding that the J&M meals were previously offered to the Plaintiffs in this lawsuit, however, they did not accept the meals.

16. The J&M Meals/My Own Meals being offered at the USP – Terre Haute are certified halal by the Islamic Food and Nutrition Council of America (IFANCA). The J&M chicken meals being offered at the USP - Terre Haute are not certified as hand-slaughtered. J&M has stated that the halal supplier market is still in its infancy in the United States, and while there is a supplier network for consumer hand-slaughtered poultry in the United States, the ingredient supplier network is not yet developed. *See also* <http://halalcertified.com/faq/>. The non-poultry meat in the J&M meals being offered at the USP – Terre Haute is hand-slaughtered by a trained Islamic slaughter man.

17. To my knowledge, there is currently not a food vendor that can provide pre-packaged, wrapped, halal-certified meals that meet the BOP's nutritional and packaging requirements, and which also meet the Plaintiffs' asserted religious requirements.

I declare under penalty of perjury, in accordance with the provisions of 28 U.S.C. §1746, that the above is accurate to the best of my knowledge and belief.

Executed this 27 day of August, 2018.

//s/ Scott Abrahims

Scott Abrahims

National Food Services Administrator, BOP
Washington, DC

